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IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1992

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In Re CRAIG TWEEDY, Petitioner

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# REPLY TO OPPOSITION BRIEF AND IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS

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October Term, 1992

CASE NO. 92-1070

IN RE CRAIG TWEEDY, PETITIONER

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## REPLY BRIEF

This reply by the Petitioner, Craig Tweedy, shows that the Opposition Brief of American Airlines, Inc. ("AA") distorts material record facts and claim words to support bad faith and conclusory arguments in defense of the plain usurpations and abuses of the decisions below. Such bad faith tactics operate to justly confess the warrant of extraordinary mandamus relief sought by the Petition, upon this proper showing of the actual record and law.

### A. THE DISC OVER ENGINE WORD GAME CONFESSES THE PETITIONER'S CLEAR ENTITLEMENT TO MANDAMUS RELIEF.

The extraordinary mandamus relief entitled by this Petition is confessed by AA's improper arguments based upon

the disc word. AA mentions a 1985 turbine disc repair and/or disc disipline 20 times, while the important and lawfully controlling engine word was mentioned only in Footnote 3, at page 20 of its brief.

It is equally significant that such engine word was entirely avoided and unmentioned in AA's injunctive pleadings (Petition, at 15, App., at 80-116), and by Judge Brett's March 31, 1992 injunctive order (Id., at 16, Appendix A). Moreover, such engine word may not be found in the conclusory decisions, plus oppressive sanction, rendered for the Court of Appeals below (Appendix B, C & D).

The Petition and this Reply are based upon the engine word. This unmasking of such disc word game will demonstrate the plain abuses and usurpations of Federal Rules power and

prohibited authority under the Anti-Injunction Act, 28 U.S.C. §2283, which were, in effect, endorsed by conclusory decisions. It shows the denials of appeal and due process rights, which add materially to such picture.

Such unmasking commences with renewed emphasis that AA and Judge Brett did not mention the engine word in the injunctive matter below. Yet, AA's first mention is made to this Court by AA's bold footnote statement that "the engine" was "repaired" in 1985.

1. Important Questions Arise

If the engine was, in fact, repaired, or overhauled by AA in 1985, and if its pretext actually formed an issue formerly decided in federal court, these important and telling questions arise:

Why was the discovered State Court fraud claim, or Graham III, enjoined by

use of the disc word, rather than the engine word label and factual substance stated and intended by the pleaders (Petition, at 9-12, App., at 58-62), under the authorities cited at pages 42-46 of the Petition?

Why does AA, at page 8, or C-2 of its brief, improperly state to this Court that such claim asserts discovered 1985 turbine disc repair fraud and seeks to improperly relitigate the disc discipline and fraud issue decided in Graham I and Graham II?

Is AA, as a State Court defendant, again, unfairly pleading for such actual claim, to mask and defend the endorsed judicial usurpations and abuses, which were unlawfully boot-strapped to a word game?

Does not the actual State Court fraud claim (Petition, at 9-12, App. at 58-62) plainly plead the discovered

extrinsic and material fraud of AA's former pretext of its 1985 overhaul of engine S/N 644980, which sought to prove the non-existence of such engine overhaul and Ms. Graham's former good faith reliance?

Why did AA induce Judge Brett (Petition, at 16-18, Appendix A, at 1-2, 11-13, 19-20) to impose the disc word substitution for the State Court claim for the discovered extrinsic and material fraud of AA's pretext of AA's 1985 overhaul of engine S/N 644980 (Petition, at 9-12, App. at 57-79)?

Why was the just intent of Rule 8(f) authority usurped to arbitrarily substitute disc repair and disc discipline and alter the engine overhaul claim label and substantive meaning stated and intended by the pleaders (Id., at 17), in a manner contrary to the settled authorities (Petition, at

35-46)?

Why was this Petitioner unfairly sanctioned by both Courts below (Petition, at 18, 24, Appendix A, at 23-24 & Appendix D) for sponsorship and/or resistance to the disc relitigation claim and word game, which was needed to creatively grab a relitigation exception under the Act, as evidenced by Judge Brett's March 21, 1992 Injunctive Order (Id., Appendix A, at 1-2, 11-12, 19-20))?

Were not the enjoining of appeal rights and threat of imprisonment for seeking relief (Petition, at 19-21) extraordinary abuses of power running up the red flag for mandamus attention to the plain usurpations of such unfairly predisposed disc word game and prohibited injunctive authority?

2. The Telling Answers Arise

The telling fact answer to such

extraordinary questions is found in AA's first and fatal mention of engine, at Footnote 3. AA did not and could not state that the pretext of the 1985 overhaul of engine S/N 644980 became an issue formerly decided. Moreover, AA's own Appendix 8-30 of the Graham I decision shows no mention of such 1985 engine overhaul, or its pretext. Such void clearly reveals that such material engine overhaul pretext had been accepted by the Court, Ms. Graham and this Petitioner.

Additionally, the record shows that good faith reliance upon such pretext was pled in the actual State Court claim, which stated the discovered extrinsic fraud of such engine overhaul pretext (Petition, at 9-10, App. 61)

Such facts control in explaining the claim disappearance by the disc word and injunctive fiats, under Chick Kam

Choo v Exxon (1988), 108 S.Ct. 1684. In such case, this Court, at 1689-1690, settled the intent of the relitigation exception to the Anti-Injunction Act, 28 U.S.C. §2283, as providing that the state proceeding must seek to relitigate issues, which have "actually been decided by the federal court * * this prerequisite is strict and narrow."

Thus, AA's first mention of engine, but glaring inability to assert that the pretext of the 1985 engine overhaul had been an issue formerly raised and decided operates to confess the unlawful motives for the disc over engine and injunctive fiats. It admits mandamus strength of the Petition. It highlights the importance of the wholly conclusory Court of Appeal decisions, which, in effect, endorse such disc word game and powerless injunctive excesses and abuses, while operating to obstruct this Court's writ

review.

3. AA Knows No Limits

It appears that AA seeks to cover such disc word game and excuse the plain usurpations of power in a different manner. AA makes undue mention of Graham II Summary Judgment of February 21, 1991, upon res judicata arising from Graham I. In so doing, AA did not, in required candor, inform the Court that such summary judgment had been earlier rendered by the Graham II Minute Order of September, 1990 (Appendix "E" hereto).

It appears that the February 21, 1991 date was designed to suggest improper engine fraud relitigation. It suggests that the 1985 engine overhaul fraud claim, pled as being discovered on December 18, 1990 (Petition, App., at 67-68) and urged by the Graham I Rule 60(b) motion of December, 24, 1990, but not heard for being untimely filed (Id.,

at 14), was among the claims and issues decided on February 21, 1991 in Graham II. Of course, mention of the true September 20, 1990 date would have spoiled such ploy.

Moreover, the record shows that such State Court Petition and its fraud claim (Id., at 61, 67-68) plainly states that Ms. Graham was seeking to secure the actual records of the 1985 engine overhaul, the then accepted pretext, well beyond the September 20, 1990 conclusion to Graham II.

CONCLUSION

The appearance of AA's date design equals its actual disc word design and the exceptional usurpations of Federal Rules power operating to cover the grabbing of prohibited relitigation authority under the Act. It seeks to cover the conclusory decisions rendered for the Court of Appeals, which obstruct

writ review. Such arrogant attempt to deceive shows utter disdain for law settled by this Court.

It operates to absolutely confess the Petition and the chilling usurpations and abuses demanding the extraordinary review and mandamus relief from this Supreme Court.

B. THE PETITION FOR MANDAMUS IS PROPER, BECAUSE THE DEATH-KNELL AGAINST AN ADEQUATE RIGHT OF APPEAL TO THE COURT OF APPEALS HAS BEEN SOUNDED BY ITS CONCLUSORY DECISIONS AND SANCTIONS.

The foregoing proposition statements affirm this proposition.

1. The Chilling Appearances.

Further support arises from the chilling appearances of AA's select influence with inside abusers of the Courts below by a disc word game. It suggests AA brag of select system means to poke major holes into our federal judicial system of justice and United States Constitution.

The engine word shows that Judge Brett plainly usurped and/or contravened the settled law and due process, as cited in the Petition. Why so, plus the enjoining of appeal rights and threat of imprisonment for seeking relief, except for expected protection? Such chilling facts and appearances reflect poorly on someone at the Court of Appeals below, but possibly not one of its judges.

AA boldly tells this Court that the Petitioner has an adequate appeal alternative, and, at page 9, points to the August 13, 1992 notice of appeal from Judge Brett's March 31, 1992 injunction. However, AA does not mention its urging of imprisonment for the seeking of mandamus relief as a "substitute for the appeal from the March 31, 1992 Order", which enjoined any relief (Petition, at 20-21, App. at 171-175). Why did Judge Brett ratify such threat of imprisonment,

by failing to deny such threat to date? Such point and the disc word demonstrate AA's outrageous influence with and select expectations from both Courts below, with more to follow.

The terrified Lillian Graham gave up her claim and appeal rights, under threatened duress of imprisonment and chilling appearances of AA's unlawful influence with the predisposed Courts below. Such means of terror may not happen in a civilized society, but it did below.

Moreover, this Petitioner's rights have been unfairly and blindly sanctioned by conclusory Court of Appeals decisions for defense of his client's actual claim and for arguing the engine word. He has been similarly sanctioned for appeal challenges to Judge Brett's usurpations and abuses imposed in those former cases cited by Judge Brett's injunctive order

(Petition, Appendix A, at 24-25).

While long in arriving, this Petitioner and attorney has reluctantly realized the major problem. From the fact history mentioned, in part, by Judge Brett, it appears a select system exists to protect powerful wrongdoers, at least, at the instant district/circuit courts.

This Petitioner has acted upon his oath and unpleasant duty to bring his Petition to defend the vitality of the United States Constitution, and to protect his rights and those of his former client. His alternative was to forego such rights and duty, and, with awareness, endorse such select system and danger.

The clear message delivered by judicial abuses, as above discussed, is that this Petitioner is without rights, particularly fair appeal rights, except as secured through his Petition.

Such message continues, however.

2. The Suspension, Without Notice.

AA's disc word game has flaunted its select system influence at district/circuit level by seeking to improperly prejudice this Court.

At page 4 of AA's brief, AA mentions that, on January 15, 1993, the Petitioner was suspended from practice in the Federal Court for "vexatious litigation tactics." Such decisions are shown at AA's Appendix 63-71 as bearing the signatures of Judges Ellison, Brett and Cook. However, several important due process factors need to be mentioned.

1. The grievant was Reuben Davis, AA's attorney, who filed the disc word game before this Court and in AA's injunctive pleading (Petition, App. at 81-116).

2. Reuben Davis does not mention that his grievance and injunctive

pleadings were both filed in September, 1991, nor that his grievance unduly anticipated Judge Brett's injunctive abusive in support.

3. He does not mention that Chief Judge Ellison is his former partner and former attorney for AA.

4. He does not mention that Judges Brett and Ellison refused to disqualify for unfair predispositions.

5. He does not mention that on December 11, 1992, a copy of the Petition in this matter was supplied to such Panel, along with a stay request, pending this Court's decision involving the State Court case basing the grievance.

6. He does not clarify that the suspension mention of the Sooner and Burggraf case sanction by the 10th Circuit Court (Respondent's App. at 65) were imposed for this Petitioner's challenge to Judge Brett's abuses, or

that those were the cases mentioned in the intimidating sanction imposed by Judge Brett's March 31, 1992 injunction (Petition, at Appendix A, at 24-25).

7. He avoids mention that such Panel strained to unfairly give res judicata affect to AA's fraud benefit granted by Judge Brett's March 31, 1992 injunction and to the usurping and abusive disc word tactic and sanction findings, while upon formal notice of this Petition and a stay request.

8. He does not mention that Judge Cook refused to hear the December 18, 1990 discovered engine fraud upon the Court and Ms. Graham's rights, as being untimely filed on December 24, 1990 (Petition, at 14, App. at 148-150).

9. He fails to mention that such ethics Panel has withheld suspension notice to this Petitioner to date.

This Petitioner had assumed that

a stay had been properly granted. His suspension notice came from receipt of AA's brief in this matter, 38 days after the purported fact. Accordingly, a February 26, 1993 letter to Chief Judge Ellison, with copy to this Court, requests formal notice of a suspension, stay or grievance denial.

In Marshall v Jerrico (1980) 446 U.S. 238, 100 S.Ct. 1610, 1613, this Court reasoned that due process "neutrality" and its appearance is designed to prevent "distorted conceptions of the facts and law" and to deter "predisposed" decisions.

Such reasoning squarely supports this reply and explains why the Petition is proper.

## CONCLUSION

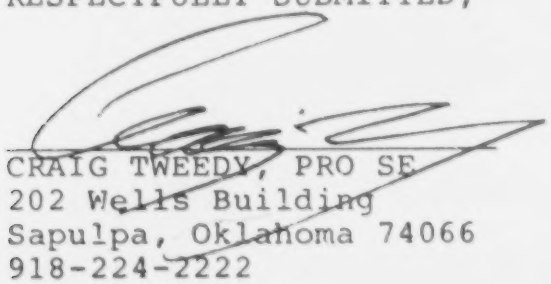
AA described the Petition as being based upon "wild allegations," and then arrogantly proceeded with its disc word

deceit to confess the Petition showing of the plain usurpation of power and jurisdiction, which were endorsed in a conclusory manner. AA's wild dishonesty with the Court is shown by the record facts and controlling law. It reveals select system facts and chilling appearances.

AA and its attorneys have shown the same disdain for federal court system, settled law and due process as it did for the FAA, which it influenced. When AA and the FAA were caught in their concealment of engine overhaul fraud by forged 1985 FAR engine records, AA merely returned to the federal courts for extended government protection. In seeking to retain the benefit of such fraud and judicial influence, they have, in effect, arrogantly and dishonestly challenged the authority and dignity of the Supreme Court of the United States.

The entitlement for extraordinary mandamus relief shown by the Petition has been clearly shown and confessed.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I, hereby, certify that on the 5th day of March, 1993, true and correct copies of the foregoing Reply Brief were deposited in the United States Mails, with proper postage thereon, and addressed to:

Robert L. Hoecker, Clerk, United States Court of Appeals for the Tenth Circuit, C404, United States Courthouse, 1929 Stout Street, Denver, Colorado 80294; and,

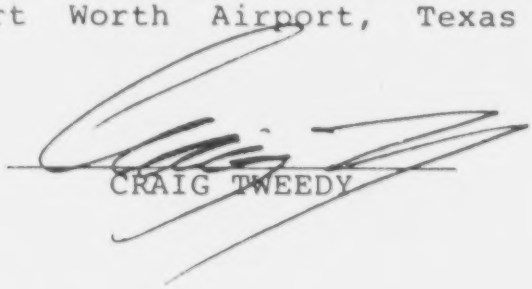
United States District Judge, Thomas R. Brett, Federal Courthouse, 333 West Fourth Street, Tulsa, Oklahoma 74103; and,

Office of Solicitor General, Department of Justice, Washington D.C. 20530; and,

Reuben Davis and Frederic N.

Schneider III, 500 Oneok Plaza, 100 West 5th Street, Tulsa, Oklahoma 74103; and,

Mark M. Petzinger, P.O. Box 619616, Dallas/Fort Worth Airport, Texas 75261



CRAIG TWEEDY

APPENDIX E

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

TULSA, OKLAHOMA, DATE: SEPTEMBER 20, 1990

| | | |
|---|---|---|
| LILLIAN A. GRAHAM, Plaintiff, | ) | |
| v. | ) | Case No. 86-C-815-C |
| AMERICAN AIRLINES, INC., Defendant. | ) | Filed Sep 20, 1990 |

TO JACK C. SILVER, CLERK OF THE COURT:

Please enter the following minute order in the above entitled case:

At issue is the motion for summary judgment filed July 6, 1990, on behalf of defendants American Airlines, Inc., George Barton and Dennis Quish. Plaintiff responded in opposition on August 7, 1990. Defendants responded to plaintiff's response on August 16, 1990. And, finally, plaintiff supplemented her August 7 response on August 16, 1990.

Also at issue is the motion for summary judgment filed July 18, 1990. by defendant Transportation Workers Union of America, Local 514, which simply adopted

the motion for summary judgment filed by defendants American, Barton and Quish.

Finally, also at issue is defendant American's August 29, 1990, motion and sanctions (in the form of damage and claim preclusion) for plaintiff's failure to cooperate in discovery, to which plaintiff responded on September 14, 1990.

For reasons to be set forth in a subsequent written order the Court will grant these motions. Accordingly, counsel are excused, effective immediately, from all previously established deadlines and from all further trial preparation.

This is not a final order. It is issued solely for the benefit of informing counsel of the Court's future decisions.

IT IS SO ORDERED.

Signed/ Layn R. Phillips
LAYN R. PHILLIPS
United States District Judge